

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

LUIS JIMENEZ GONZALES JR

(Enter full name of plaintiff(s))

Plaintiff(s),

Civil Case No. 2:20-cv-00008-CL
(to be assigned by Clerk of the Court)

PRISONER CIVIL RIGHTS
COMPLAINT

v.

BI-MART CORPORATION,
CHRISTOPHER FRANCO, BARRY
BARTHOLOMEW, JAMES LYDA
(Enter full name of ALL defendant(s))

Defendant(s).

I.

- A. Have you brought any other action or appeal in a court of the United States while a prisoner?

Yes ☒

No ☐

- B. If your answer to A is yes, how many? 4. Describe the lawsuit(s) in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to the previous lawsuit: SHERIFF LARRY BLANTON

Plaintiff(s): LUIS JIMENEZ GONZALES JR.

Defendant(s): Sheriff Larry Blanton
Deschutes County Adult Jail

2. Court: Medford
3. Docket Number: ?
4. Name of judge to whom case was assigned: Anna J Brown
5. Disposition (Was the case dismissed? Was it appealed? Is it still pending?)
Case was dismissed due to non exhaustion
of grievance remedies it was appealed
to the ninth circuit and dismissed
6. Approximate date of filing: Sept 2009
7. Approximate date of disposition: 2012

II.

A. Place of confinement: DRCI

B. Is there a prisoner grievance procedure in this institution?

Yes ☒ No ☐

C. Have you filed a grievance concerning the facts relating to this complaint?

Yes ☐ No ☒

If your answer is no, explain why not:

This is not an incarcerated issue
it is dealing with plaintiff being assaulted
at Bi-Mart crook county BX store staff

D. Is the grievance process completed?

Yes ☐ No ☒

III. PARTIES

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff: Luis Jimenez Gonzales Jr.
 Security Identification No.: 16478757
 Address: DRCI 3920 E Ashwood Rd.
Madras OR 97741

(In item B, place the full name of each defendant, his/her official position, and his/her place of employment.)

B. Defendant Bi-Mart is employed as _____
 at Prineville Oregon Crook County Oregon

Defendant christopher Franca is employed as Manager Bi Mart
 at Prineville, Crook County Oregon

Defendant Barry Bartholemew is employed as Theft prevention
 at Prineville, Crook County Oregon

Defendant James Lyda is employed as Truck Driver
 at Crook County

Defendant _____ is employed as _____
 at _____

Additional defendants: _____

IV. STATEMENT OF CLAIM

Claim I

State what right under the Constitution, laws, or treaties of the United States has been violated.

EIGHTH AMENDMENT Cruel and unusual Punishment
FOURTEENTH AMENDMENT Due Process rights Violation

Supporting Facts: (State here as briefly as possible the facts of your case. Describe how each defendant is involved and when the conduct occurred. It is not necessary to give any legal arguments or cite any cases or statutes.)

On 12-11-2018 Plaintiff was shoplifting some gloves and wire-
less speakers earbuds at the Riman in Prineville oregon
as I exit the store I immediately Begin to run, store security
Barry Barthelomes and store Manager Christopher Franco chased
me through the parking lot, as the defendants were giving chase
a store customer James Lyda intervened and as I tried to
Jump over a bush James Lyda tripped me, Plaintiff landed
on the other side of the bush on his head and was knocked
unconscious, when Plaintiff regained Consciousness all 3
defendants were punching Plaintiff on the head, throat,
face, and stomach area, I was in turn hospitalized and
received treatment for my injuries at St Charles hospital
in Prineville

Claim II

State what right under the Constitution, laws, or treaties of the United States has been violated.

Supporting Facts: *(State here as briefly as possible the facts of your case. Describe how each defendant is involved and when the conduct occurred. It is not necessary to give any legal arguments or cite any cases or statutes.)*

Claim III

State what right under the Constitution, laws, or treaties of the United States has been violated.

Supporting Facts: *(State here as briefly as possible the facts of your case. Describe how each defendant is involved and when the conduct occurred. It is not necessary to give any legal arguments or cite any cases or statutes.)*

(If you have additional claims, describe them on another piece of paper, using the same outline.)

V. RELIEF

State briefly exactly relief you are seeking. Make no legal arguments. Cite no cases or statutes.

Wherefore Plaintiff requests that this Court
grant the following relief A. Declare that Defendant
Christopher Franco violated plaintiff's Eighth Amendment
right when he failed to protect him from a known risk
of assault and he was Severely Assaulted Declare that
Defendant Barry Bartholomew violated plaintiff's Eighth
Amendment right by assaulting plaintiff for shoplifting
award compensatory damages for plaintiff's physical and
emotional injuries, and punitive damages against each defendant

Signed this 27 day of December, 2019.

Luis Conzales
Luis Conzales 16478757
(Signature of Plaintiff(s))